

## CHAPTER 10

### Leave

#### 10.1 Leave Defined

Leave is any authorized absence during regularly scheduled work hours that has been approved by proper authority. Leave may be authorized with or without pay. Absence without leave is considered unauthorized absence.

#### 10.2 Leave Policy

All merit employees are encouraged to take annual leave for vacation purposes of two consecutive weeks each year. During the year careful consideration shall be given to the desire and needs of employees in the granting of shorter periods of annual leave. Department heads or designees shall grant leave in accordance with these rules on the basis of the work requirements in the department, and whenever possible, the personal wishes of the employee.

#### 10.3 Types of Leave

The following types of leave, and no other, are officially established:

- 1 Annual leave (Section 10.4 - 10.9);
- 2 Sick leave (Section 10.10 –10.13, 10-15 - 10.19);
- 3 Extraordinary sick leave (Section 10.13);
- 4 Leave for injury in line of duty (Section 10.20);
- 5 Compensatory leave (Section 10.21 - 10.23);
- 6 Military leave (Section 10.24);
- 7 Civil leave (Section 10.25);
- 8 Leave without pay (Section 10.26);
- 9 Education leave (Section 10.27);
- 10 Holiday leave (Section 10.28 - 10.29);
- 11 Administrative leave (Section 10.30);

- 12 Leave for inclement weather or other emergencies (Section 10.35).

#### 10.4 Granting Annual Leave

Department heads or designees shall grant annual leave with pay to merit employees in accordance with the following provisions:

- 1 Annual leave shall normally be granted each calendar year unless a department head or designee specifically defers an employee's vacation because of work requirements.
- 2 Annual leave shall not exceed the total amount credited to an employee at the beginning of the pay period in which the absence occurs.

#### 10.5 Crediting of Annual Leave

- 1 Annual leave shall be credited as indicated below to all full time merit employees except those designated as senior management in 4.14-4d. Merit employees scheduled to work other than 80 hours per pay period shall have leave credited on a pro-rated basis. Employees who are participants in the Deferred Retirement Option Plan (DROP) will be considered as merit employees for purposes of crediting annual leave.
  - a. Less than three years service - four (4) hours per bi-weekly payroll period;
  - b. Three (3) years but less than fifteen (15) years - six (6) hours per bi-weekly payroll period;
  - c. Fifteen (15) and over years of service - eight (8) hours per bi-weekly payroll period;
  - d. Employees reemployed or reinstated within one calendar year of their separation in good standing should have their annual leave computed on the basis of total years service.
  - e. Leave computation dates shall be rounded to the nearest day. Excess hours shall be rounded to the next day.
- 2 For a pay period in which an employee except a senior manager is paid for less than full standard hours, including paid leave, leave shall be credited in the proportion that the number of hours worked has to the number of regular workhours in the pay period.
- 3 Employees with less than ten (10) years of service may accumulate annual leave to not more than 240 hours. Employees with ten (10) or more years of service may accumulate annual leave to not more than 320 hours.
- 4 Annual leave in excess of the limits imposed by this section existing at the end of each calendar year shall be converted to sick leave.

- 5 Employees shall not receive dual compensation from the County for annual leave.
- 6 Employees designated as senior managers shall receive 208 hours (26 days) of annual leave at the beginning of each leave year. Senior managers appointed after the start of a leave year shall receive annual leave credit on a prorated basis for that year.

#### 10.6 Debiting Annual Leave

Annual leave shall be debited as follows:

- 1 The amount of annual leave to be debited shall be computed on the basis of the exact number of days or hours an employee is scheduled to work in the period when leave is taken.
- 2 Annual leave shall be debited in no less than one-tenth hour units.
- 3 Overdrawn annual leave shall be debited in the following order: compensatory leave, leave without pay.

#### 10.7 Transfer of Annual and Sick Leave

Annual or sick leave may be transferred from one employee to another employee in the following situations:

- 1 Annual or sick leave may be transferred from one employee to another when the employee-in-need has exhausted his/her sick leave and is facing an absence without pay due to his/her extended illness or that of a family member with the following provisions:
  - a. Annual or sick leave may be transferred to any County employee eligible to receive sick leave.
  - b. Employees transferring sick leave may not transfer more than 40 hours in any calendar year.
  - c. The employee transferring annual or sick leave relinquishes all rights to that leave. Annual or sick leave transferred under this policy cannot be recovered at a later date.
  - d. An employee may not transfer leave to his/her immediate supervisor.
  - e. Unused transferred leave may be transferred to another leave recipient or returned to the donor.
  - f. Transferred leave may be granted only to employees who have exhausted their sick leave balance and whose combined annual and compensatory leave balance

does not exceed 80 hours (112 hours for 24-hour shift employees).

- g. This policy does not preclude or in any way limit the right of an employee to apply for advanced or extraordinary sick leave under existing procedures.
- h. Final approval of leave transfer requests rests with the department head or designee.

-2 Annual leave may be transferred from one employee to another when the employee-in-need is a member of the National Guard or an organized military reserve of the United States who has volunteered or been ordered to active duty pursuant to an order by the President of the United States or a competent State authority. The transfer of annual leave under this Section is subject to the following conditions:

- a. Annual leave may be transferred to any merit County employee who is a member of the National Guard or an organized military reserve of the United States.
- b. The employee transferring annual leave relinquishes all rights to that leave. Annual leave transferred under this policy cannot be recovered at a later date.
- c. An employee may not transfer leave to his/her immediate supervisor.
- d. Unused transferred leave may be transferred to another leave recipient or returned to the donor.
- e. Transferred annual leave may only be used when the employee called to active military duty has reduced his/her accrued annual and compensatory leave to a combined balance no greater than 80 (112 hours for 24-hour shift employees) hours.
- f. Final approval of leave transfer requests rests with the department head or designee.

#### 10.8 Effect of Transfers on Annual Leave Credits

A merit employee who transfers from one department to another shall have his/her total annual leave credits transferred to the new department.

#### 10.9 Effect of Separation on Annual Leave Credits

Upon separation, an employee shall be paid for the unused portion of his/her accrued annual leave, except as modified by the rules governing resignation without sufficient notice.

#### 10.10 Sick Leave Policy

Sick leave shall be used when an employee is incapacitated by sickness or injury; for medical, dental, or optical diagnosis or treatment; for necessary care and attendance or death of a member of the employee's immediate family or household; exposure to a contagious disease when the attendance at duty jeopardizes the health of others.

#### 10.11 Granting Ordinary Sick Leave

Department heads or designees shall grant sick leave with pay to merit employees in accordance with the following provisions:

- 1 Ordinary sick leave shall not exceed the total amount credited to an employee at the beginning of the pay period in which the absence occurs;
- 2 Leave without pay may be granted for sickness extending beyond the earned credit;
- 3 For merit employees' annual leave credits may be used for sick leave.

#### 10.12 Granting Advance Sick Leave

- 1 Advance sick leave, not to exceed 192 hours (288 hours for 24 hour shift employees), may be granted to merit employees qualified to earn ordinary sick leave in cases of serious disability or ailments of the employee or the spouse or child of an employee when it is to the advantage of the County to do so.
- 2 Advance sick leave may be granted to employees whose combined annual and compensatory leave balance does not exceed 80 hours.
- 3 Advance sick leave shall not normally be advanced to a merit employee qualified to earn ordinary sick leave during his/her first year of service with the County.
- 4 Advance sick leave shall not be approved retroactively to restore hours previously charged to the employee's annual or compensatory leave balance for an ailment or disability.
- 5 When a department head or designee believes that a request for advance sick leave is justified, a personnel action form shall be prepared with the following supporting documentation:
  - a. The circumstances and the need for such leave verified by a physician's statement;
  - b. The time and date when accrued sick leave will be exhausted;
  - c. The number of hours of advance sick leave requested and date to which such

leave will extend;

- d. Probable return to duty and prospect for continued employment;
  - e. Recommendation of the department head or designee;
  - f. Statement notifying employee of the repayment requirement if advance sick leave is approved.
- 6 The Human Resources Director shall consider the information provided and make a recommendation to the County Executive.
  - 7 Advance sick leave shall be approved by the County Executive or his/her designee.
  - 8 Advance sick leave shall be charged to future accruals of sick leave. An employee may not use regular sick leave until the approved advance sick leave is repaid.
  - 9 An employee who returns to work before using all approved advance sick leave may use the balance for subsequent treatment or recuperation from the ailment for which the leave was granted. This balance may be used for up to one year from the date advance sick leave was first used.
  - 10 An employee returning to work before using all approved advance sick leave may request an adjustment to his/her leave record to eliminate or reduce the remaining approved advance sick leave.
  - 11 When an employee who receives advance sick leave leaves County service for any reason and the advance sick leave has not been repaid, the County will be financially reimbursed for the balance of sick leave remaining, except in the case of full disability or death.

#### 10.13 Granting Extraordinary Sick Leave

- 1 When the above provisions do not adequately allow for the illness or injury of a merit employee qualified to earn sick leave, and when the department head or designee believes that it is to the advantage of the County to do so, he/she may request of the County Executive, through the Human Resources Director, that the employee be granted an extraordinary sick leave not to exceed 4 hours (6.0 hours for 24-hour shift employees) for each month of service.
- 2 Extraordinary sick leave shall be recorded on the employee's leave record but shall not be charged to future accrued leave of any kind.

#### 10.14 Family and Medical Leave

Family leave is defined as leave used for the birth or placement of a child for adoption or foster care. Medical leave is defined as leave used for the care of ill or disabled children, spouse, parents or parents-in-law, or because of a serious health condition that makes the employee unable to perform the functions of his or her position. Family and medical leave consist of any combination of sick leave, annual leave, compensatory leave and leave without pay. Sick leave used for the purpose of family or medical leave must conform to the requirements in Section 10.10.

- 1 Family and medical leave shall be granted to any merit employee for a period of up to twelve workweeks over a twelve-month period. The twelve-month period during which family leave may be taken for the birth of or placement of a child shall expire at the end of the twelve-month period beginning on the date of birth or placement. Workweek is defined as the hours an employee is regularly scheduled to work in a seven (7) consecutive day period.
- 2 The twelve-month period for family and medical leave usage shall commence with the first use of family or medical leave.
- 3 Requests for leave beyond twelve work weeks are subject to regular leave policies with approval determined by the department head or designee.
- 4 Requests for family and medical leave must be made in writing and submitted 30 calendar days in advance whenever the necessity for such leave is foreseeable.
- 5 Family leave may be taken on an intermittent or reduced schedule basis with the approval of the department head or designee. Medical leave may be taken on an intermittent or reduced schedule basis if certified as necessary by the health provider.
- 6 At the request of the department head or designee, the employee shall provide certification from a health care provider in connection with a request for medical leave. Additionally, an employee may be required to provide medical documentation concerning the continuing necessity for medical leave and in connection with any issue concerning his/her ability to return to work at the expiration of medical leave.
- 7 At the discretion of the department head or designee, an employee requesting family leave for the birth or adoption of a child may be required to use accrued annual leave prior to use of leave without pay. Employees requesting family or medical leave for all other reasons may be required to use accrued sick, annual leave prior to use of leave without pay.
- 8 During the leave period, the County will provide coverage under the health insurance plan which the employee had selected prior to going on leave at the level and under the conditions coverage would have been provided if the employee had not gone on leave.

- 9 If the employee fails to return to work for a reason other than the continuation, recurrence, or onset of a serious health condition in him or herself, children, spouse, parents or parents-in-law or other circumstances beyond the control of the employee, the County may recover the employer's contribution to the health insurance premium paid during any period of unpaid leave.
- 10 No employee shall be prevented from returning to work prior to the expiration of the twelve week period.
- 11 Employees shall return to the position vacated or, with the approval of the Human Resources Director, to another position in the same class.
- 12 Employees who do not plan to return to work should notify their department no later than at the expiration of the leave. Failure to return to work without giving notice at the expiration of the leave without good cause, may result in an unsatisfactory service separation.
- 13 This regulation shall be construed as to ensure compliance with the minimum requirements of the Family and Medical Leave Act of 1993.

#### 10.15 Crediting Sick Leave

- 1 Sick leave shall be credited to all full time merit employees except those designated as senior managers in Section 4.14-4d at 4 hours per 80-hour pay period. Merit employees scheduled to work other than 80-hours per pay period shall have leave credited on a pro-rated basis.
- 2 Unused sick leave may be accumulated without limit.
- 3 Employees reemployed or reinstated within one calendar year of their separation in good standing shall have their unused sick leave reinstated.
- 4 Employees designated as senior managers shall receive 104 hours (13 days) of sick leave at the beginning of each leave year. Senior managers appointed after the start of a leave year shall receive sick leave credit on a prorated basis for that year.
- 5 Employees who are participants in the Deferred Retirement Option Plan (DROP) will be considered as merit employees for purposes of crediting sick leave.

#### 10.16 Debiting Sick Leave

Sick leave shall be debited as follows:



- 1 The amount of sick leave to be debited shall be computed on the basis of the exact number of days or hours an employee is scheduled to work in the period when leave is taken.
- 2 Sick leave shall be debited in no less than one-tenth hour units.
- 3 Overdrawn sick leave shall be debited in the following order: annual leave, compensatory leave, leave without pay.

#### 10.17 Effect of Transfer on Sick Leave Credits

A merit employee who transfers from one department to another shall have his/her total sick leave credits transferred to the new department.

#### 10.18 Effect of Separation on Sick Leave Credits

- 1 Sick leave credits shall not be paid to an employee upon separation.
- 2 Upon application for retirement, an employee's sick leave credits can be applied towards membership service credit at the rate of one month of credit for each 172 hours of accrued unused sick leave, and prorated for any fraction of this amount.
- 3 Employees who are participants in the Deferred Retirement Option Plan may apply all sick leave credits towards membership service credit for retirement, or retain 40 hours as an initial sick leave balance, while the remaining sick leave credits are applied towards membership service credit for retirement

#### 10.19 Other Factors Relative to Sick Leave

- 1 Reporting of sickness. Employees who are absent from duty for reasons which entitle them to sick leave shall notify their respective supervisors within the time frame established by the Department unless physically unable to do so. Upon return to work the employee shall submit immediately to his/her supervisor an authorization for leave form.
- 2 Medical certificate. A department head or designee may require a medical statement for sick leave when it occurs before or after a holiday or other scheduled day off, or when it is in excess of two workdays. When an employee has a record of repetitious usage of short amounts of sick leave over an extended period, a department head or designee may require a medical certificate for each day of sick leave taken.
- 3 The department head or designee may require an employee returning from sick leave to take a medical examination, or, with the concurrence of the Human Resources Director, on such other occasions that he/she deems it in the best interest of the County. The medical examination shall be given by the Fairfax County Health Department or a medical doctor designated by the Human Resources Director.

- 4 Investigation of sickness. A department head or designee may investigate the alleged illness of an employee absent on sick leave.
- 5 False or fraudulent use of sick leave. False or fraudulent use of sick leave shall be cause for disciplinary action against the offending employee. Such disciplinary action may include dismissal.
- 6 An employee on annual leave who presents a medical certificate giving the dates of illness may have that portion of his/her annual leave converted to sick leave.
- 7 Conversion of sick leave. Conversion of sick leave to annual leave shall not be permitted.
- 8 State worker's compensation insurance. An employee who is eligible to receive state worker's compensation payments beyond the year of injury leave, may elect to use accumulated sick leave and/or annual leave and/or sick leave bank. The use of such leave will be coordinated with worker's compensation payments so that the total amount received from both sources does not exceed the employee's full wage or salary until such sick and/or annual leave and/or sick leave bank is depleted or until the employee returns to work. Leave hours used will be calculated only on that portion of total compensation over the workers' compensation payment. While using sick and/or annual leave the employee will continue accruing sick and annual leave.

#### 10.20 Leave for Injury in Line of Duty

- 1 A merit employee who is injured while performing the duties of his/her position, without fault or negligence on his/her part, and who is accepted as compensable under the Virginia Worker's Compensation Act, shall be granted injury leave with pay, as approved by the County Executive or his/her designee. Such eligibility for injury leave with pay begins on the first day of injury and shall expire not later than twelve calendar months from the original injury date. Reinjuries do not extend the period of eligibility for injury leave. Such leave requires a medical certificate from an approved licensed physician authorized by the County to treat worker's compensation claims. This certificate must set forth the nature and extent of the injury and the probable period of disability.
- 2 Extensions of injury leave beyond twelve calendar months may be granted by the Human Resources Director at the request of a department head or designee. In no case shall the employee be granted injury leave in excess of 2080 (2912 for 24-hour shift employees) total hours. In evaluating such requests, the following elements shall be considered:
  - a. The circumstances in which the injury occurred to include consideration of the nature and extent of the injury;

- b. The nature and extent of treatment providing that the employee has continued under the regular care of the authorized physician requiring an office visit at minimum intervals of at least once every three months; and providing that the medical records clearly substantiate a relationship between the current prescribed treatment and the original injury;
  - c. The likelihood of the employee's return to duty;
  - d. The employee's past injury, leave and service record;
  - e. The employee's compliance with injury leave policies and requirements.
- 3 When possible, employees who have been injured but are not totally disabled, will be placed in temporary assignments without loss of pay with duties that fall within the medical restrictions prescribed by the treating physician.
- 4 When injury leave is used other leave benefits shall not accrue.
- 5 An employee on injury leave is expected to follow medical procedures and complete necessary forms/reports so as to insure that worker's compensation payment will be credited to the appropriate account.
- 6 An employee on injury leave is specifically prohibited from engaging in activities that may impair his/her recovery. This includes:
  - a. Engaging in strenuous recreational or other physical activities without the approval of the authorized physician.
  - b. Being employed or self-employed to perform work of any kind without the prior written approval of the authorized physician and the Human Resources Director.
- 7 An employee on injury leave is not required to remain at home, but is required to be available for contact by his/her supervisor and to notify the supervisor of any change of residence during authorized absence.
- 8 Failure of an employee on injury leave to follow prescribed procedures or to accept appropriate medical treatment, vocational rehabilitation, or medically appropriate temporary assignments, may result in disallowal of full salary continuation and reversion to straight worker's compensation wages, if eligible, for the time period of noncompliance, with the employee being liable for repayment of the monetary differential.

#### 10.21 Compensatory Leave

- 1 Compensatory leave shall be credited to an employee as provided for in the rules governing overtime. Employees who are participants in the Deferred Retirement Option Plan (DROP) will be considered as merit employees for purposes of crediting compensatory leave.
- 2 Compensatory time for overtime worked shall be granted at the discretion of the employee at a time convenient to and approved by the department head or designee.
- 3 Overdrawn compensatory leave shall be debited in the following order: annual leave, leave without pay.

#### 10.22 Effect of Transfers on Compensatory Leave

An employee who transfers from one department to another shall, if possible, use his/her compensatory leave prior to the effective date of the transfer. If this is not possible, the total number of compensatory leave shall be recorded on the personnel action form and shall be transferred to the new department.

#### 10.23 Effect of Separation on Compensatory Leave

An employee who is separated from service may only be paid for any accrued overtime for which he/she has not been granted compensatory leave in accordance with the provisions of section 4.14-4.

#### 10.24 Military Leave

- 1 A merit employee who is a member of the National Guard or an organized military reserve of the United States, or is a former member of the Armed Services and has been reactivated by a competent authority shall be allowed military leave under the following circumstances:
  - a. Leaves of absence with pay not to exceed fifteen workdays during any one federal fiscal year (October 1 - September 30) to attend federally funded military duty, including duty for training. For the purposes of this section, one 24-hour shift workday shall equate to two military leave workdays. The employee shall report to work the next regularly scheduled workday after the military duty, including travel time, is completed.
  - b. Leaves of absence without pay for training not covered above. The employee shall report to work the next regularly scheduled workday after the training period, including travel time, is completed.
- 2 a. A merit employee who is a member of the Virginia National Guard and who is called to emergency duty by the Governor to combat floods, riots, winter storms,

hurricanes or other disasters shall be allowed military leave with pay for each day of such service.

- b. A merit employee who is a member of any National Guard organization other than the State of Virginia and who is called to emergency duty by the competent authority of that state may elect to be placed on military leave without pay for each day of such service.
- 3 The employee shall notify his/her supervisor as far in advance as possible when taking military leave. The employee shall be required to furnish a copy of military orders. Failure to notify the County in advance shall not deprive the employee of rights and benefits, but may subject the individual to disciplinary action.
- 4 An employee who leaves the County service in order to join the military forces of the United States or who is inducted into such service has resigned and is not considered to be on military leave. (See Section 9.2-5).
- 5 In the event of any conflict between County regulations and federal or state law, the latter shall take precedence.

#### 10.25 Civil Leave

A merit employee shall be given time off without loss of pay when performing jury duty, when subpoenaed or requested to appear before a court, public body or commission except when the employee is a party to the suit, when performing emergency civilian duty in connection with national defense, or for the purpose of voting. Leave for the purpose of voting shall only be granted when the employee's work schedule prohibits voting before or after duty hours or through absentee balloting.

#### 10.26 Leave Without Pay

A department head or designee may grant a merit employee a leave without pay for a period not to exceed one year, subject to the following conditions:

- 1 Leave without pay shall be granted only when it is in the interests of the County to do so. The interests of the employee shall be considered when he/she has shown by his/her record to be of more than average value to the County and when it is desirable to return the employee even at some sacrifice.
- 2 At the expiration of a leave without pay, the employee shall be reinstated in the position he/she vacated or in any other vacant position in the same class.
- 3 The employee does not earn leave while on leave without pay.
- 4 Failure on the part of the employee to report promptly at the expiration of a leave without pay may be cause for dismissal.

#### 10.27 Education Leave

A merit employee engaged in professional or technical work may be granted a leave of absence with full or partial pay for enrollment in a special institute or course of study of direct benefit to the County service, at the discretion of the department head or designee.

Such leave may be granted on the assumption that the employee will remain with the County service for a reasonable period to be recommended by the department head or designee, upon completion of the institute or course of study.

#### 10.28 Holiday Leave

-1 The following holidays are observed by the County and shall be granted to merit employees with pay, unless such employees are required to be on scheduled duty.

- a. New Year's Day (January 1);
- b. Martin Luther King, Jr.'s Birthday (Third Monday in January);
- c. Washington's Birthday (Third Monday in February);
- d. Memorial Day (Last Monday in May);
- e. Independence Day (July 4);
- f. Labor Day (First Monday in September);
- g. Columbus Day (Second Monday in October);
- h. Veteran's Day;
- i. Thanksgiving Day (Fourth Thursday in November);
- j. Fall Holiday (Friday after Thanksgiving);
- k. Christmas Eve (One-half day on December 24);
- l. Christmas Day (December 25);
- m. Inauguration Day (January 20, every fourth year) when it falls on a business day, Monday through Friday.

-2 The County Executive may also set aside other days as holidays.

#### 10.29 Granting Holiday Leave

The granting of holidays observed by the County shall be subject to the following provisions:

- 1 Holidays on a weekend. When a holiday falls on Saturday, it shall be observed on the preceding Friday. When a holiday falls on Sunday, the following Monday shall be observed as the holiday.
- 2 Holiday on mandatory workday. Employees who are required to work on a holiday shall be compensated for the time worked in accordance with the rules governing hours and overtime. Additionally, the employee will receive holiday pay or holiday compensatory time for the holiday in accordance with the rules governing holidays.
- 3 Holiday on scheduled day off. Within the policy established in the section on holiday leave, whenever one of the designated holidays falls on an employee's scheduled day off, the employee shall be granted either holiday pay or holiday compensatory time in accordance with the rules governing hours and overtime.
- 4 Holidays for merit part-time employees. Part-time merit employees shall be granted holiday time off with pay on a pro-rated basis computed at the rate of one-tenth of an hour times the employees bi-weekly scheduled hours.
- 5 Holidays during paid leave. A holiday falling within a period of paid leave shall not be counted as a workday in computing the amount of leave debited.
- 6 Holiday during unpaid leave. When a holiday falls within a period of leave without pay or immediately preceding or following such leave, the employee shall receive no pay for the holiday. To be eligible for holiday compensation the employee must be in pay status for a full workday on one side of the holiday and a minimum of one-half workday on the other side.
- 7 Appointment on a holiday. The appointment of a merit employee shall not be effected on a holiday except when the employee works that day.

#### 10.30 Administrative Leave

- 1 Administrative leave shall be any paid leave authorized by the County Executive, which is not otherwise classified by these Regulations.
- 2 Administrative leave will normally\* be granted to any full-time or part-time employee by a department head or designee or the County Executive for any of the following reasons:
  - a. Where an employee is required to appear before a public body, public agency, board or commission during normal working hours on matters relating to County business.

- b. For the attendance in an official capacity during normal working hours as a representative of the County at meetings, symposiums, conferences, conventions or hearings.
- c. During the investigation of an alleged improper act by an employee which may result in formal disciplinary actions and/or when the retention of the employee on an active duty status may be detrimental to the interests of the County or injurious to the employee, his/her fellow workers or the general public. Administrative Leave for this purpose will not exceed ten business days without prior approval of the County Executive. A memorandum to the Human Resources Director will be submitted by the department head or designee giving details of the Administrative Leave for all situations covered by this paragraph. In lieu of the use of Administrative Leave for situations of this type a department head or designee may temporarily assign the employee to other duties.

\*Exceptions to be justified and made a matter of record.

- d. For participation in the blood donor program for which purpose up to four hours may be granted, at the discretion of department head or designee, for each recuperative purpose.
- e. For the purpose of undergoing a medical examination as may be required by the employee's department head or designee.
- f. To recognize long term service to general county employees who earn length of service awards of 20, 25, 30, 35, 40 and 45 years or more shall be eligible for one day's leave (12 hours for 24 hour shift firefighters) in the year after they have qualified for the length of service award, OPA's, etc.
- g. For officers of the Employees Advisory Council and employee organizations, which participate in payroll dues, deduction to attend conventions and training related to employee relations. Administrative Leave for this purpose shall not exceed 30 workdays (240-hours) per year per employee organization. In the accrual of hours toward the 240-hour limit, one 24-hour shift shall equate to 16 hours of administrative leave. Employees must submit such leave requests as far in advance as possible and provide written verification upon return to duty of attendance at the convention or employee relations training.

-3 In addition to the provisions of paragraph -2 above, Administrative Leave may be granted to any full-time or part-time employee by the County Executive or his/her designee for any of the following reasons:

- a. Breakdown of essential facility services such as heating, air conditioning, or water or other problems wherein facilities must be closed and employees released early from work or not required to report to work.



- b. Breakdowns of equipment making it impossible to accomplish assigned tasks.

#### 10.31 Unauthorized Absence

- 1 An employee who is absent from duty without approval shall:
  - a. Receive no pay for the duration of the absence;
  - b. Be subject to disciplinary action, which may include dismissal.
- 2 It is recognized that there may be extenuating circumstances for unauthorized absence and due consideration shall be given each case.
- 3 Failure of an employee to report for work at the expiration of an authorized leave or to request an extension of such leave shall be considered an absence without leave.

#### 10.32 Procedures for Requesting Leave

- 1 For all leave, with the exception of official holiday, sick and administrative emergency leave, a request indicating the kind of leave, duration and dates of departure and return must be approved prior to the taking of the leave. The request for leave should be submitted to the department head or designee the same number of days prior to beginning the leave as the number of days leave requested. In the case of sick leave, the leave form shall be completed and submitted for approval immediately upon the employee's return to duty.
- 2 Unless an absence is substantiated by a leave form approved by the department head or his/her designee, an employee shall not be paid for any absences from scheduled work hours.

#### 10.33 Maintenance of Leave Records

The department head or his/her designee shall be responsible for the maintenance of accurate leave records. Such records shall be kept on a form prescribed by the Human Resources Director, who may periodically inspect them to insure that the provisions of these rules are being adhered to.

#### 10.34 Sick Leave Bank

As identified below, various competitive service employees shall be eligible to participate in a sick leave bank when incapacitated by long-term sickness or injury. Two separate sick leave banks are authorized for (1) non-supervisory trade, manual and custodial service, provided that at least 270 of these employees agree to participate, (2) personnel in the ranks of Fire Fighter I through Fire Lieutenant, provided at least 300 of these employees agree to participate. Such sick leave banks shall be administered in accordance with the terms stated below:

- 1 Membership in the sick leave bank is voluntary on the part of the employee.
- 2 An employee may enroll within the first 30 calendar days of employment. An employee who does not enroll when first eligible may do so between any subsequent September 1 to October 1 period by making application and providing satisfactory evidence of good health to the Human Resources Department. Employees may enroll in the bank by donating 8 hours (12 hours for 24 hour shift firefighters) of sick leave earned during the then current fiscal year.
- 3 A member of the bank will not be able to utilize sick leave bank benefits until his/her own sick leave is exhausted.
- 4 The first 30 consecutive calendar days of illness or disability will not be covered by the bank, but must be covered by the employee's own accumulated sick leave, annual, compensatory or leave without pay, if the employee's sick leave is exhausted.
- 5 A maximum of 45 work days (22.5 days for 24 hour shift firefighters) each fiscal year can be drawn by any one member of the bank. If the fiscal year ends while an employee is using sick leave bank days, he/she may continue using the bank until reaching the maximum without requalifying as required in 10.34-4.
- 6 Participating members must return to work and must meet the requirements of item -4 before becoming eligible to utilize sick leave bank benefits again.
- 7 Members of sick leave bank shall not earn personal leave (sick and annual) for the time charged against the bank.
- 8 Members of the bank will be assessed 8 hours (12 hours for 24-hour shift firefighters) sick leave at such time as the respective bank is so depleted as to warrant same unless they choose not to participate further in the bank. Members who have insufficient sick leave at the time of the assessment will show a negative sick leave balance in the amount of the assessment. Future leave accruals will eliminate the negative balance.
- 9 Members utilizing sick leave days from the bank will not have to replace these days except as a regular contributing member to the bank.
- 10 Upon termination of employment, or withdrawal of membership from the bank, a participating employee will not be permitted to withdraw his/her contributed days.

#### 10.35 Leave for Inclement Weather or Other Emergency

- 1 When extreme inclement weather or other emergencies occur, the County Executive or his/her designee shall have the option to declare one of the following types of leave:
  - a. Liberal Leave - may be declared by the County Executive or his/her designee when it is deemed advisable to provide employees flexibility regarding reporting

to work due to inclement weather or other emergency. Liberal leave authorizes all employees, except those designated as emergency service personnel, to use their own leave to remain home from work or to leave work early without obtaining prior approval from their supervisor. Employees may only use annual leave, compensatory leave, or leave without pay for this purpose. Such leave is authorized only for the period of time designated by the County Executive or his/her designee.

- b. Emergency Administrative Leave - may be declared by the County Executive or his/her designee when it is determined necessary to close the general County government due to extreme inclement weather or other emergency. Emergency administrative leave authorizes all merit County employees, except those designated as emergency service personnel, to remain home from work or to leave work early without prior approval of the supervisor and without the use of personal leave or leave without pay. Such leave shall be limited to the time periods designated by the County Executive or his/her designee. Employees required to work during a period of such emergency administrative leave shall receive extra compensation in accordance with provisions contained in Chapter 4.

- 2 When leave for inclement weather or other emergency is declared, emergency service personnel must report to work. Emergency service personnel are those employees, designated by the department head or designee, who due to the nature of the emergency which has occurred, must report to work to ensure that public health and safety needs or critical departmental requirements are met.